

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 2010

DIVISION ONE

B211029 People (Not for Publication)
v.
Garcia

Garcia's sentence is modified to reflect that on count 1, he is sentenced to life with a minimum term of 7 years, doubled to 14 years for his strike, plus the 25 years to life for the firearm discharge enhancement; on count 3, he is sentenced to the 2-year middle term, doubled to 4 years for his strike. The sentence on count 3, as modified, remains stayed, as ordered by the trial court. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the judgment as modified and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

B214657 Gonzalez (Not for Publication)
v.
All American Asphalt, et al.

The order, insofar as it imposed sanctions against Gonzalez's counsel, is vacated. Each side to bear its own costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION ONE (continued)

B212365 Yaghobyan (Not for Publication)
 v.
 Tran, et al.

The judgment and the order denying attorney fees are affirmed. Each party to bear its own costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

B211226 Takayama (Not for Publication)
 v.
 Segel
 Conservatorship of the Person and Estate of Sue Tsugi Takayama

The order is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

B209274 Roth (Not for Publication)
 v.
 Fryzer, et al.

The judgments are affirmed. Respondent Joseph Fryzer is entitled to costs on appeal. All other parties are to bear their own costs.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

DIVISION TWO

B219440 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Candelaria R.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B212781 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

B210698 People (Not for Publication)
v.
Mateuz

The judgment is modified in count 3 to strike the firearm enhancement (§ 12022.5, subd. (a)), as shown on the abstract of judgment and minute order, and to impose a concurrent gang enhancement (§ 186.22, subd. (b)(1)(B)), as found true by the jury. The judgment is modified in counts 5 and 6 to strike the gang enhancements (§ 186.22, subd. (b)(1)(B)), which were not alleged in those counts. The superior court is directed to amend the minute order of August 20, 2008, and the abstract of judgment to reflect the correct sentence.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B207288 Tracfone Wireless, Inc. (Not for Publication)
 v.
 City of Los Angeles

The judgment is reversed. Plaintiff is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B215713 Legacy Vulcan Corp
 v.
 Superior Court of Los Angeles County
 Transport Insurance Company

Filed order vacating submission order of December 7, 2009, due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. The matter stands resubmitted as of this date.

B218645 Los Angeles County, D.C.F.S.
 v.
 Edgar C.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed September 9, 2009) dismissed.

DIVISION SIX

B211127 Diaz
 v.
 Carcamo

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

March 29, 2010 (Continued)

DIVISION SEVEN

B204009 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B214166 People v. Franklin
B216363 People v. Dean
B212926 County of LA v. Indiana Lumbermens
B215772 DCFS v. A.G.
B210945 People v. Lollar
B215702 People v. Ayyvazyan

Argument waived, cause submitted.

Each of the following:

B214044 Lindmark v. Heuer et al.
B211300 Linkmark v. Milberg Weiss, LLP et al.
B205911 Estrada v. Shell Oil Company et al.

Oral argument continued to April 29, 2010.

DIVISION EIGHT (continued)

B215078 People
 v.
 David Millman

Merits:
Argued by James Koester for appellant and appearing for respondent and waiving argument is Allison H. Chung, Deputy Attorney General. Cause submitted.

Flier, J. leaves the bench.

B215244 Jones
 v.
 The Regents of the University Of California

Merits:
Argued by Mary Jones, appellant, appearing in propria persona and by Alan R. Zuckerman for respondent. Cause submitted.

B208687 Georgia Bode, M.D.
 v.
 Los Angeles Metropolitan Medical Center

Merits:
Argued by David R. Fisher for appellant and by Henry Fenton for respondent and appellant. Cause submitted.

B214767 Mary Anne Fritsch
 v.
 Princess Cruise Lines, LTD.,

Merits:
Argued by Joseph S. Farzam for appellant and by Edward C. Walton for respondent. Cause submitted.

Flier, J. returns to the bench.

Bigelow, P.J. leaves the bench.

DIVISION EIGHT (continued)

B211760 Harry Barseghian, et al.,
 v.
 Tremco, Inc.,

Merits:

Argued by John W. Sheller for appellants and by Robert B. Mullen for respondent. Cause submitted.

Bigelow, P.J. resumes the bench.

B210625 County of Los Angeles
 v.
 American Contractors Indemnity Company

Appearances:

Jason Carnevale, Deputy County Counsel, appeared for respondent. Argument previously waived by appellant. Argument waived, cause submitted.

B218494 DCFS,
 v.
 R.B.,

Merits:

Argued by Eva Chick for appellant and by O. Raquel Ramirez, Deputy County Counsel, appeared only for respondent. Cause submitted.

B215217 People
 v.
 Steven Scott John

Merits:

Argued by Kevin D. Sheehy for appellant and by Sharlene Honnaka, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (continued)

B215730 People
 v.
 Curtis Tony Clark

Merits:
Argued by Sarah A. Stockwell for appellant and by John Yang, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Lichtman, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B213632 People
 v.
 Justin Sung Hong

Merits:
Argued by Eric Robert Larson for appellant and Taylor Nguyen, Deputy Attorney General appeared and waived argument. Cause submitted.

Flier, J. leaves the bench.

B210156 Ralph Jackson, et al.
 v.
 Michael Hackman, et al.

Merits:
Argued by Charles E. Wheeler for appellants; by Kenneth C. Feldman for respondent Michael Hackman; and by Julian A. Pollock for respondent Martin Leffler. Cause submitted.

March 29, 2010 (Continued)

DIVISION EIGHT (continued)

B207567 Stephen M. Gaggero
v.
Knap, Peterson & Clarke, et al.

Merits:
Argued by Gerald M. Serlin for appellant and by Hall R. Marston for respondents. Cause submitted.

B212653 Sherwood
v.
Department of Justice BCI&I

Oral argument continued to April 29, 2010, at 9:00 a.m.

B213985 MRI Healthcare Center of Center of Glendale, Inc.,
v.
State Farm Insurance Company

Oral argument continued to May 27, 2010, at 9:00 a.m.

Court adjourned.

B216871 People (Not for Publication)
v.
Apodaca

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Lichtman, J. (Assigned)